

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 3-4, 6-10, 12, and 14-20 were pending. Claims 1, 3, 4, 6, 10, and 17 have been amended. Claim 18 has been canceled without prejudice. No claims have been added. Claims 1, 3-4, 6-10, 12, 14-17, and 19-20 remain pending.

35 U.S.C. § 102(a) Rejections

Claims 10-16 are rejected under 35 U.S.C. § 102(a) as being anticipated by Yanai et al. (US 6,502,205). Applicants respectfully traverse the rejection.

Claim 10 as amended includes the limitation of:

a memory on the destination storage server to receive the data access request, wherein the data access request is transferred to a nonvolatile mass storage device coupled to the destination storage server ***when the first portion of the non-volatile storage device in the source storage server is full.***

(Claim 10 as amended; emphasis added)

In contrast, Yanai fails to disclose at least the above limitation. Yanai merely discloses synchronizing primary and secondary volumes (Yanai, Fig. 12; col. 32, ln. 49-58). Specifically, Yanai does not disclose that the data access request is transferred to a nonvolatile mass storage device coupled to the destination storage server when the first portion of the non-volatile storage device in the source storage server is full. Therefore, Yanai fails to anticipate claim 10 as amended. Claims 11-16 depend, directly or indirectly, from claim 10. Thus, having additional limitations, claims 11-16 are not anticipated by Yanai. Withdrawal of the rejections is respectfully requested.

35 U.S.C. § 103(a) Rejections

Claims 1-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanai et al. (US 6,502,205) in view of Court et al. (US 5,636,360). Applicants respectfully traverse the rejection.

Claim 1 as amended includes a limitation of:

when the first portion of the non-volatile storage device in the first storage server is full, causing the second storage server to transfer the data access request ***from the memory on the second storage server*** to a data container corresponding to the first storage server on the second storage server.

(Claim 1 as amended; emphasis added)

As discussed above with respect to claim 10, Yanai merely discloses synchronizing primary and secondary volumes (Yanai, Fig. 12; col. 32, ln. 49-58). Yanai fails to teach causing the second storage server to transfer the data access request from the memory on the second storage server to a data container when the first portion of the non-volatile storage device in the first storage server is full. Moreover, the secondary reference, Courts, also fails to teach the above limitation.

According to Courts, the ***content of a log buffer*** is copied to a log partition ***when the log buffer is full*** (Courts, col. 2, ln. 35-37). In other words, the content of the log buffer is transferred to the log partition based on whether the log buffer itself is full. In contrast, in the present invention the data access request is transferred ***from the memory on the second storage server*** when ***the first portion of the non-volatile storage device in the first storage server*** is full. Therefore, Courts also fails to disclose the limitation of claim 1 set forth above. Since no combination of Yanai and

Courts contains the above limitation of claim 1, claim 1 is patentable over Yanai in view of Courts. Withdrawal of the rejection is respectfully requested.

Claims 2-9 depend, directly or indirectly, from claim 1. Thus, having additional limitations, claims 2-9 are patentable over Yanai in view of Courts. Withdrawal of the rejection is respectfully requested.

Claims 17-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yanai et al. (US 6,502,205) in view of McMillan Jr. (US 5,587,390; hereinafter, McMillan). Claim 18 has been canceled without prejudice, thus obviating the rejection. Applicants respectfully traverse the rejection on claims 17 and 19-20.

Claim 17 as amended sets forth “a file corresponding to the source filer on a volume coupled to the destination filer” and “a second file corresponding to the second source filer on the volume coupled to the destination filer.” In contrast, neither Yanai nor McMillan teaches the above limitation.

In the system disclosed in Yanai, the secondary data storage system 246 has a R2 log file 293 and a R2 data file 294 corresponding to a R1 log file 291 and a R1 data file 292 in the primary data storage system 214. Yanai does not disclose that the secondary data storage system 246 has an additional file corresponding to a source filer other than the primary data storage system 214.

As to McMillan, the reference discloses that a request is removed from a STI staging queue when the acknowledgement is transferred from the specified disk to the STI module (McMillan, col. 5, ln.35-38). McMillan does not disclose a volume on a destination filer having a file corresponding to a source filer and a second file corresponding to a second source filer. Since neither Yanai nor McMillan, alone or in

combination, teaches every limitation in claim 17, claim 17 is patentable over Yanai in view of McMillan. Withdrawal of the rejection is respectfully requested.

Claims 19-20 depend directly from claim 17. Thus, having additional limitations, claims 19-20 are patentable over Yanai in view of McMillan. Withdrawal of the rejection is respectfully requested.

Conclusion

For at least the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly solicited.

If the Examiner perceives any further obstacle to allowing the present application, he is invited to contact the undersigned at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), Applicant hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

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